

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

EIGHTH DAY — MONDAY, JULY 21, 2003

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 32).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Chavez; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Seaman; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wong; Zedler.

Absent, Excused — Castro; Denny; Gallego; Martinez Fischer; Smith, T.; Smithee; Wolens; Woolley.

Absent — Chisum; Mowery; Nixon; Reyna; Riddle.

The invocation was offered by Representative Hunter, as follows:

Our Father, we thank you for giving us yet one more day to live, and move, and have our very being.

Help us to make the most of it as we strive to do all that we can to serve the best interests of all the people of our great state.

Let us learn the great lesson of life that you have provided for each of us—faith, hope, and love—and have taught us that the greatest of these three is love.

We remind ourselves each day that even in this war-torn world, we have those, even among our number, who need your healing and comfort in special ways.

Bless us all as we seek your guidance. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Denny on motion of Krusee.

T. Smith on motion of Lewis.

Smithee on motion of Crabb.

The following members were granted leaves of absence for today because of important business in the district:

Castro on motion of Chavez.

Gallego on motion of Naishtat.

Martinez Fischer on motion of Hopson.

Woolley on motion of Madden.

The following member was granted leave of absence for today because of family matters:

Wolens on motion of Ellis.

STATEMENT BY REPRESENTATIVE REYNA

I was absent today, Monday, July 21, while on important business and regretfully failed to have my absence excused on the house floor.

CAPITOL PHYSICIAN

The speaker recognized Representative Rose who presented Dr. Charles Von Henner of San Marcos as the "Doctor for the Day."

The house welcomed Dr. Von Henner and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 2).

HB 5 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative McCall called up with senate amendments for consideration at this time,

HB 5, A bill to be entitled an Act relating to making an appropriation for the purpose of returning to a fund outside the state treasury cash that was transferred from the fund to the general revenue fund.

Representative McCall moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 5**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 5**: McCall, chair; Heflin; Ritter; Bonnen; and Paxton.

HB 9 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Heflin called up with senate amendments for consideration at this time,

HB 9, A bill to be entitled An Act relating to appropriating the fees relating to the licensing and regulation of certain electricians collected by the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation under **HB 1487**, Acts of the 78th Legislature, Regular Session, 2003.

On motion of Representative Heflin, the house concurred in the senate amendments to **HB 9**.

The speaker stated that **HB 9** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend the Senate Committee Report for **HB 9** by inserting the following on page 1, line 21, between the words "Regulation" and "for":

"and the full-time equivalent position limitation established for that agency in **HB 1**, Acts of the 78th Legislature, Regular Session, 2003, is hereby increased by 32"

MAJOR STATE CALENDAR SENATE BILLS SECOND READING

The following bills were laid before the house and read second time:

SB 21 ON SECOND READING (Krusee - House Sponsor)

SB 21, A bill to be entitled An Act relating to the financing, construction, improvement, maintenance, and operation of toll facilities by the Texas Department of Transportation and the disposition of money generated by the driver responsibility program, fines imposed for certain traffic offenses, and certain fees collected by the Department of Public Safety of the State of Texas; making an appropriation.

SB 21 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE TALTON: Thank you, Mr. Speaker. Representative Krusee, I have a series of questions I'd like to go over with you if I may. It pertains to page four, I think it's starting with line 13. And, my understanding is in that section, it's Section 361.1375, that gives the county and us, assume when they use county, they're talking about the Harris County Toll Road Authority, is that correct?

REPRESENTATIVE KRUSEE: Yes.

TALTON: And does this quick take or declaration, does this authority, does it apply to Harris County generally or Harris County Flood Control or any other division or department of Harris county that acquires private property?

KRUSEE: No, it does not.

TALTON: Secondly, my understanding of this section, it only applies to projects on which the Harris County Toll Road Authority pays all costs of acquisition of property and of construction, is that correct?

KRUSEE: That's true.

TALTON: If they are a minority partner, for example, in a project and are not the majority partner and the majority partner does not have quick take authority, will they be able to bootstrap the majority party?

KRUSEE: That's my understanding.

TALTON: That they would not be able to.

KRUSEE: Right, right.

TALTON: And, my concern, I guess, for the quick take, is the allegation of it being any property rights. And the problem that I've had, that you and I have discussed, is that it takes people's property as such and then, if they don't have the money to fight the governmental authority, they lose out on their property.

KRUSEE: Well, they'll have the same ability to fight as they otherwise would have. It will just be at a different stage in the process.

TALTON: OK, I just want to make sure that it only applies to the toll road or turnpike authority of the Harris County Toll Road Authority. Is that your understanding?

KRUSEE: Yes, it is.

TALTON: Thank you.

KRUSEE: You're welcome.

REMARKS ORDERED PRINTED

Representative Talton moved to print remarks between Representative Krusee and Representative Talton.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Garza on motion of Guillen.

SB 21 - (consideration continued)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Phillips, Representative Krusee offered the following committee amendment to **SB 21**:

Amend **SB 21** by adding the following sections to the bill, appropriately numbered, and renumbering existing sections accordingly:

SECTION _____. Section 227.014, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) If the commission determines that the mobility needs of this state would be most efficiently and economically met by jointly operating two or more facilities or combinations of different types of facilities financed or constructed as part of the same project as one operational and financial enterprise, it may create a system composed of those facilities or combinations of facilities. The commission may create more than one system and may combine two or more systems into one system. The commission may finance, construct, and operate an additional facility or combination of facilities as an expansion of a system if the commission determines that the facility or combination of facilities would most efficiently and economically be constructed and operated if the facility or combination of facilities ~~[#]~~ were a part of the system and that the addition will benefit the system. A system may only include facilities located wholly or partly within the territory of:

- (1) a metropolitan planning organization; or
- (2) two adjacent department districts.

(a-1) Subsection (a) does not prohibit the department from creating a system that includes a facility that extends continuously through the territory of:

- (1) two or more metropolitan planning organizations; or
- (2) more than two adjacent department districts.

SECTION _____. Section 227.023(c), Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(c) To the extent and in the manner that the department may enter into comprehensive development agreements under Chapter 361 with regard to turnpikes, the department may enter into a comprehensive development agreement ~~[agreements]~~ under this chapter that provides for the financing, development, design, construction, or operation of a facility or a combination of ~~[with regard to]~~ facilities on the Trans-Texas Corridor. All provisions of Chapter 361 relating to comprehensive development agreements for turnpikes apply to

comprehensive development agreements for facilities under this chapter, including provisions relating to the confidentiality of information. Claims arising under a comprehensive development agreement are subject to Section 201.112.

Representative Krusee moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Mercer, Representative Krusee offered the following committee amendment to **SB 21**:

Amend **SB 21** by adding the following section to the bill, appropriately numbered, and renumbering existing sections accordingly:

SECTION _____. Section 91.071(b), Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(b) Each fiscal year, the total amount disbursed by the department out of federal and state funds shall not exceed \$12.5 million. This subsection does not apply to:

(1) disbursements for the acquisition or construction of rail lines on the Trans-Texas Corridor;

(2) the acquisition of abandoned rail facilities described in Section 91.007;

(3) funding derived from:

(A) the issuance of bonds;

(B) [;] private investment;

(C) [;] donations; or

(D) [~~;~~ and] grants, [~~or~~] loans, or reimbursements that are provided from the Federal Railroad Administration, the [~~or~~] Federal Transit Administration, or any other federal agency that may be spent for rail facilities;

(4) grant money awarded by the governor from the Texas Enterprise Fund;

(5) federal funds authorized and appropriated for a specific rail project in this state; and

(6) [~~(4)~~] grading and bed preparation.

Representative Krusee moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative Krusee offered the following amendment to **SB 21**:

Amend **SB 21** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Section 708.155, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 708.155. **CONTRACTS FOR COLLECTION OF SURCHARGES.** The department may enter into a contract with a private attorney or a public or private vendor for the provision of services for the collection of surcharges receivable and related costs under this chapter. The total amount of compensation may not exceed 30 percent of the amount of the surcharges and related costs collected ~~[set in Article 103.0031, Code of Criminal Procedure]~~.

(b) This section takes effect September 1, 2003, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

(c) If this Act does not receive the vote necessary for effect as provided by Subsection (b) of this section, this section takes effect on the 91st day after the last day of the legislative session.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Gattis offered the following amendment to **SB 21**:

Amend **SB 21** by striking SECTION 24 of the bill (Committee Printing page 17, line 15 through page 18, line 22) and renumbering subsequent sections accordingly.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Madden offered the following amendment to **SB 21**:

Amend **SB 21** as follows:

(1) In SECTION 23 of the bill, in amended Section 542.4031, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003 (page 16, lines 8-12), strike Subsection (a) and substitute the following:

(a) In addition to the fine prescribed by Section 542.401 or another section of this subtitle, as applicable ~~[other costs, including a cost under Section 542.403]~~, a person who enters a plea of guilty or nolo contendere to or is convicted of an offense under this subtitle shall pay \$30 as a state traffic fine ~~[court cost]~~. The person shall pay the state traffic fine when the person enters the person's plea of guilty or nolo contendere, or on the date of conviction, whichever is earlier. The state traffic fine shall be paid regardless of whether:

(1) a sentence is imposed on the person;

(2) the court defers final disposition of the person's case; or

(3) the person is placed on community supervision, including deferred adjudication community supervision.

(2) Strike SECTIONS 25-28 of the bill (page 18, line 23 through page 20, line 21).

(3) At the end of SECTION 35 of the bill (page 24, line 14), add the following:

Section 542.4031(j), Transportation Code, as added by Section 12.01, **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is repealed.

(4) In Subsection (b) of SECTION 36 of the bill, (page 24, line 19), strike "Sections 22 through 29 and 35" and substitute "Sections 23 and 31."

(5) Renumber existing SECTIONS of the bill accordingly.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Hochberg offered the following amendment to **SB 21**:

Amend **SB 21**, in SECTION 32 of the bill (Committee printing, page 23, line 9), by striking all text of the section that follows "September 1, 2003," and substituting the following:

"to the Teacher Retirement System for the purpose of restoring, to the extent possible, the amount of the annual compensation supplement for health benefits for active school district employees, as provided Article 3.50-8, Insurance Code, as added by Chapter 1187, Acts of the 77th Legislature, Regular Session, 2001."

Representative Heflin moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 33): 71 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Paxton; Phillips; Seaman; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Farrar; Flores; Geren; Giddings; Goodman; Guillen; Haggerty; Hamilton; Hochberg; Hodge; Hopson; Jones, J.; Laney; Lewis; Luna; Mabry; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Turner; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Denny; Gallego; Garza; Martinez Fischer; Smith, T.; Smithee; Wolens; Woolley.

Absent — Chisum; Eiland; Escobar; Farabee; Goolsby; Gutierrez; Homer; Hughes; McClendon; Moreno, P.; Mowery; Nixon; Oliveira; Pitts; Reyna; Riddle; Thompson.

Amendment No. 7

Representative Coleman offered the following amendment to **SB 21**:

Amend **SB 21**, on page 23, line 9, after the words "September 1, 2003," strike the remainder of the section and insert the following in lieu thereof:

"to the Texas Health and Human Services Commission for the purpose of restoring, to the greatest extent possible, the income test, eligibility criteria, and benefit package for the Children's Health Insurance Program (CHIP) which existed prior to any changes made to the program in **HB 2292**, Acts of the 78th Legislature, Regular Session."

Representative Heflin moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 34): 72 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Miller; Morrison; Paxton; Phillips; Seaman; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Zedler.

Nays — Bailey; Burnam; Canales; Capelo; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Farrar; Flores; Giddings; Goodman; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Hopson; Jones, D.; Jones, J.; Laney; Lewis; Luna; Mabry; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Turner; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Denny; Gallego; Garza; Martinez Fischer; Smith, T.; Smithee; Wolens; Woolley.

Absent — Alonzo; Chisum; Eiland; Escobar; Farabee; Homer; McClendon; Moreno, P.; Mowery; Nixon; Oliveira; Pitts; Reyna; Riddle; Thompson.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business:

Bailey on motion of Guillen.

Eiland on motion of McCall.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Farabee on motion of Hopson.

SB 21 - (consideration continued)**Amendment No. 8**

Representative Coleman offered the following amendment to **SB 21**:

Amend **SB 21**, on page 24, line 6, after the word "section.", insert the following:

"Notwithstanding this section or any other state law or provision authorizing the transfer of funds, federal funds received for the purpose of providing state fiscal relief may not be used to increase funding for economic development activities, including the expansion of the Texas Enterprise Fund or any other program which provides business incentives for economic development purposes."

Representative Heflin moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 35): 76 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Miller; Morrison; Paxton; Phillips; Seaman; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Zedler.

Nays — Burnam; Canales; Capelo; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Ellis; Farrar; Flores; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Hopson; Jones, J.; Laney; Lewis; Luna; Mabry; McReynolds; Menendez; Merritt; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Turner; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Castro; Denny; Eiland; Farabee; Gallego; Garza; Martinez Fischer; Smith, T.; Smithee; Wolens; Woolley.

Absent — Alonzo; Chisum; Deshotel; Edwards; Escobar; Giddings; Homer; McClendon; Moreno, P.; Mowery; Nixon; Oliveira; Pitts; Reyna; Riddle; Thompson.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Hartnett on motion of Hamric.

SB 21 - (consideration continued)**Amendment No. 9**

Representative Coleman offered the following amendment to **SB 21**:

Amend **SB 21**, on page 24, line 6, after the word "section.", by inserting the following:

"The Governor and Legislative Budget Board shall develop and implement the plan for transferring the funds no later than September 30, 2003."

Representative Heflin moved to table Amendment No. 9.

A record vote was requested.

The motion to table prevailed by (Record 36): 73 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Miller; Morrison; Paxton; Phillips; Seaman; Smith, W.; Solomons; Stick; Swinford; Talton; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Zedler.

Nays — Alonzo; Burnam; Capelo; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Ellis; Farrar; Flores; Giddings; Goodman; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Hopson; Jones, J.; Laney; Lewis; Luna; Mabry; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Turner; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Castro; Denny; Eiland; Farabee; Gallego; Garza; Hartnett; Martinez Fischer; Smith, T.; Smithee; Wolens; Woolley.

Absent — Canales; Chisum; Deshotel; Escobar; Homer; Moreno, P.; Mowery; Nixon; Oliveira; Pitts; Reyna; Riddle; Taylor; Thompson; Truitt.

Amendment No. 10

Representative Naishtat offered the following amendment to **SB 21**:

Amend **SB 21** (house committee printing) as follows:

(1) In SECTION 33 of the bill, in amended Subsection (a), Section 11.28, Article IX, **HB 1**, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act) (page 24, lines 5-6), strike "[provided by] subsection (b) of this section." and substitute "[provided by subsection (b) of] this section."

(2) Following SECTION 33 of the bill (page 24, between lines 6 and 7), insert the following new SECTION, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 11.28, Article IX, **HB 1**, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act), is amended by adding Subsection (c) to read as follows:

(c) In addition to the priorities established by Subsection (b) of this section, it is also a priority of the legislature that the plan provide funding for the state child health plan, Goal C of the appropriations to the Health and Human Services Commission (insure children), to provide necessary and appropriate short-term evaluative or crisis intervention mental health services and services for the treatment of serious mental illness.

Representative Heflin moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 37): 70 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenber; Madden; Marchant; McCall; Mercer; Miller; Morrison; Paxton; Phillips; Pitts; Ritter; Seaman; Smith, W.; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wohlgemuth; Wong; Zedler.

Nays — Alonzo; Burnam; Capelo; Chavez; Coleman; Davis, Y.; Dukes; Dutton; Edwards; Ellis; Farrar; Flores; Giddings; Guillen; Gutierrez; Haggerty; Hilderbran; Hochberg; Hodge; Hopson; Jones, J.; Keel; Kuempel; Laney; Lewis; Luna; Mabry; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Truitt; Turner; Uresti; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Castro; Denny; Eiland; Farabee; Gallego; Garza; Hartnett; Martinez Fischer; Smith, T.; Smithee; Wolens; Woolley.

Absent — Bonnen; Canales; Chisum; Deshotel; Dunnam; Escobar; Goolsby; Homer; Moreno, P.; Mowery; Nixon; Oliveira; Reyna; Riddle; Solomons; Thompson; Villarreal; Wise.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

SB 21 - (consideration continued)**Amendment No. 11**

Representative Naishtat offered the following amendment to **SB 21**:

Amend **SB 21** (house committee printing), following SECTION 33 of the bill (page 24, between lines 6 and 7), by inserting the following new SECTION, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 11.28, Article IX, **HB 1**, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act), is amended by adding Subsection (d) to read as follows:

(d) In addition to the priorities otherwise established by this section, it is also a priority of the legislature that the plan provide funding to permit a Medicaid recipient, including an adult recipient, to select a licensed psychologist, a licensed marriage and family therapist, as defined by Section 502.002, Occupations Code, a licensed professional counselor, as defined by Section 503.002, Occupations Code, or a licensed master social worker, as defined by Section 505.002, Occupations Code, to perform professional counseling services or other health care services or procedures covered under the Medicaid program if the selected person is authorized by law to perform the counseling or other services or procedures.

Representative Heflin moved to table Amendment No. 11.

A record vote was requested.

The motion to table prevailed by (Record 38): 73 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Paxton; Phillips; Pitts; Ritter; Seaman; Smith, W.; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wohlgemuth; Wong; Zedler.

Nays — Alonzo; Burnam; Capelo; Chavez; Coleman; Davis, Y.; Dukes; Dutton; Edwards; Ellis; Farrar; Flores; Giddings; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Hopson; Hunter; Jones, J.; Laney; Lewis; Luna; Mabry; McClendon; McReynolds; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Truitt; Turner; Uresti; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Castro; Denny; Eiland; Farabee; Gallego; Garza; Hartnett; Martinez Fischer; Smith, T.; Smithee; Wolens; Woolley.

Absent — Bonnen; Canales; Chisum; Deshotel; Dunnam; Escobar; Goolsby; Homer; Menendez; Moreno, P.; Mowery; Nixon; Oliveira; Pickett; Reyna; Riddle; Solomons; Thompson; Villarreal; Wise.

A record vote was requested.

SB 21, as amended, was passed to third reading by (Record 39): 99 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chavez; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Driver; Dutton; Edwards; Elkins; Ellis; Farrar; Flores; Flynn; Gattis; Geren; Giddings; Goodman; Grusendorf; Guillen; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Laney; Laubenberg; Lewis; Mabry; Madden; Marchant; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Morrison; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Ritter; Rose; Seaman; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Wohlgemuth; Wong; Zedler.

Nays — Burnam; Dukes; Jones, J.; Naishtat; Olivo; Rodriguez; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Castro; Denny; Eiland; Farabee; Gallego; Garza; Hartnett; Martinez Fischer; Smith, T.; Smithee; Wolens; Woolley.

Absent — Alonzo; Bonnen; Canales; Chisum; Davis, Y.; Deshotel; Dunnam; Eissler; Escobar; Goolsby; Griggs; Haggerty; Hill; Homer; Kolkhorst; Luna; Miller; Moreno, P.; Mowery; Nixon; Noriega; Oliveira; Pitts; Reyna; Riddle; Telford; Thompson; Villarreal; West; Wise.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Dunnam on motion of Mabry.

Wise on motion of Mabry.

The following member was granted leave of absence for the remainder of today because of important business:

Haggerty on motion of Truitt.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, upon adjournment today, Desk 46, for a formal meeting, to consider **SB 43**, **SB 44**, **SB 47**, and **SB 53**.

PROVIDING FOR ADJOURNMENT

Representative Flores moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 2 p.m. Friday, July 25.

The motion prevailed without objection.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:45 p.m., adjourned until 2 p.m. Friday, July 25.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 83 (By Pickett and Isett), Relating to authorizing the issuance of revenue bonds for the Texas Tech University Health Sciences Center for an academic building to support the center's educational programs in the city of El Paso.

To Appropriations.

HB 121 (By Keel), Relating to the prosecution of the offense of sexual assault and aggravated sexual assault.

To Criminal Jurisprudence.

HCR 15 (By D. Jones), In memory of Travis D. Shelton of Lubbock.

To Rules and Resolutions.

HCR 16 (By D. Jones), In memory of Ralph Brock of Lubbock.

To Rules and Resolutions.

HR 108 (By Gattis), Congratulating Lora Darden on being named a 2003 Round Rock Independent School District Teacher of the Year.

To Rules and Resolutions.

HR 109 (By Gattis), Congratulating Julia Weathersbee on being named a 2003 Teacher of the Year for Round Rock Independent School District.

To Rules and Resolutions.

HR 110 (By Peña), Honoring Edwards Abstract and Title Company of Hidalgo County on the occasion of its 77th anniversary.

To Rules and Resolutions.

HR 111 (By Peña), Honoring Joe Garza of Edinburg for his contributions to the community.

To Rules and Resolutions.

HR 112 (By Zedler), Honoring the Mansfield News-Mirror, the Division 5 Sweepstakes winner in the 2003 Better Newspaper Contest of the Texas Press Association.

To Rules and Resolutions.

HR 113 (By Quintanilla), Congratulating Anthony Duncan of El Paso on his selection as a 2002-2003 Outstanding Restaurateur by the Texas Restaurant Association.

To Rules and Resolutions.

HR 114 (By Wise), Honoring the births of Garrett James Holliday and Grace Ann Holliday of Plano.

To Rules and Resolutions.

HR 115 (By Phillips), In memory of MacPhelan Reese of Bonham.

To Rules and Resolutions.

HR 116 (By Paxton), Honoring Don Day for his many contributions to the city of McKinney.

To Rules and Resolutions.

HR 117 (By Paxton), Congratulating Dr. Scott Wise for his participation in the Texas Statewide Preceptorship Program.

To Rules and Resolutions.

HR 118 (By Paxton), Commending Linda McNeff on her outstanding service to the McKinney community.

To Rules and Resolutions.

HR 119 (By B. Cook), In memory of Larry Layne Anderson of Copperas Cove.

To Rules and Resolutions.

HR 120 (By D. Jones), In honor of Hack and Norma Lasater's 73rd wedding anniversary.

To Rules and Resolutions.

HR 121 (By Mabry), In honor of the Midway High School Panther baseball team on winning the Class 4A State Championship.

To Rules and Resolutions.

HR 122 (By Mabry), In honor of the Lorena Leopards baseball team for winning the Class 3A title.

To Rules and Resolutions.

HR 123 (By Rose), Congratulating Kimberly Sweeney on completing the San Diego Rock 'N' Roll Marathon.

To Rules and Resolutions.

HR 124 (By Hopson), Congratulating Don Tullos on his induction into the Texas Association of Basketball Coaches Hall of Fame.

To Rules and Resolutions.

HR 125 (By Hopson), Commending the City of Kilgore on its participation in the Holiday Trail of Lights.

To Rules and Resolutions.

HR 126 (By Heflin), In honor of Tran Dinh Truong for his leadership and philanthropic endeavors in his community.

To Rules and Resolutions.

HR 127 (By Stick), Honoring Westwood High School on receiving top 100 status from Newsweek magazine.

To Rules and Resolutions.

HR 128 (By Driver), In memory of Teresa Ann "Terri" Kurkjian of Garland.

To Rules and Resolutions.

SB 44 to Transportation.

SB 47 to Transportation.

SB 55 to Environmental Regulation.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 2

HB 11, HCR 4

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, July 21, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 44 Shapleigh

Relating to the use of the TexasOnline project in connection with the purchasing of motor vehicle inspection certificates and the sending of inspection records, reports, and information to the Department of Public Safety of the State of Texas.

SB 47 Shapleigh

Relating to requiring the Texas Department of Transportation to annually report to the legislature on certain transportation matters.

SB 55 Armbrister

Relating to compliance histories for and incentives to reward compliance performance by entities regulated by the Texas Commission on Environmental Quality.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

July 18

Transportation - **SB 21**